

Application Serial No. 09/700,806
Amendment Under 37 C.F.R. § 1.116 dated November 1, 2005
Reply to Final Office Action of September 1, 2005

REMARKS

Applicants respectfully request entry of the amendment and reconsideration of the claims. Claim 27 has been canceled without prejudice. Claims 1, 14, 16, 28, 30, and 32 have been amended. Applicants submit the amendment is supported throughout the specification, including at Table 2 beginning on page 36, and does not raise any issues of new matter. After entry of the amendment, claims 1, 8, 10, 14, 16, 17, 19, 23-25, and 28-42 will be pending.

The listing of pending claims in the current Final Office Action does not include claims 17 and 31, which were previously withdrawn by the Examiner as drawn to a non-elected species. Claims 17 and 31 have not been canceled. Therefore, claims 17 and 31 should be listed as pending but withdrawn. Applicants note that upon indication of allowance of the elected specie, Applicants are entitled to consideration of additional species.

Obviousness

Claims 1, 8, 10, 14, 16, 32, and 35-42 were rejected under 35 U.S.C. § 103(a) as unpatentable over Keyt et al. in view of Meyer et al. Applicants respectfully traverse the rejection.

Claims 1, 14, and 32 have been amended to require at least the substitution of certain amino acid residues at or between residues F17 to Y25 or D63 to E67. The claims have been amended solely for the purpose of advancing prosecution. Applicants do not acquiesce to the rejection.

The combination of references cited by the Examiner does not teach or suggest all the elements of the claims as amended. The primary reference, Keyt et al., does not teach or suggest VEGF variants having the claimed combination of amino acid substitutions. None of the secondary references remedy the shortcomings of the primary reference. Neither Meyer et al. nor Kroll et al. teach or suggest the VEGF variants as claimed.

Withdrawal of the obviousness rejection is respectfully requested.

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Conclusion

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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